

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Warsaw Sugar Beet Association LP I,

Plaintiff,

-VS-

Federal Crop Insurance Corporation,

Defendant.

Case No. 2:09-cv-04

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The parties filed cross-motions for summary judgment. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that the National Appeals Division of the United States Department of Agriculture be affirmed in part and reversed in part (Doc. #28). Neither party has filed an objection, as provided for Local Rule 72.1(D)(3).

The Court has carefully reviewed the Report and Recommendation, along with the entire file, and agrees with the Magistrate Judge’s analysis and recommendations. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff Warsaw Sugar Beet Association LP I’s Motion for Summary Judgment (Doc. #11) is **GRANTED** in part and **DENIED** in part, and Defendant Federal Crop Insurance Corporation’s Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part (Doc. #16). The NAD’s decision is, therefore, affirmed in part and reversed in part, and the case is remanded for a determination as to whether Warsaw sustained a production loss due to drought

on its 2006 sugar beet crops, after the FCIC adjusts Warsaw's Master Yield.

IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 18th day of February, 2010.

/s/ Ralph R. Erickson

Ralph R. Erickson, Chief Judge
United States District Court